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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,327	07/11/2003	Harry M. Haytayan	HMH-91 CIP	4758

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EXAMINER

SAETHER, FLEMMING

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,327

Applicant(s)

HAYTAYAN, HARRY M.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, as regards claim 2, the tapered surface extending to the top surface (there is currently shown an axial spacing therebetween) and in regards to claims 1, 7 and 14, the thread "adjacent" the flutes (they are currently shown to overlap) must be shown or the features canceled from the claims. No new matter should be entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dicke (US 6,698,987) in view of Piacenti (US 5,045,905). Dicke discloses a fastener (1) comprising a shaft with a tapered tip (at 4) and a head (5) at an opposite end. The head having a top surface with a tool receiving aperture (shown in phantom lines) and tapered surface extending away from the head which includes triangular shaped and circumferentially spaced ribs (not labeled) capable of functioning as cutting blades. Dicke further discloses the tip provided with cutting flutes (14) but does not disclose the inclusion of cutting blades or wings extending outwardly from the flutes. Piacenti discloses a fastener of a similar type as Dicke but, discloses the cutting flutes

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(22) having cutting wings or blades (85 and 86) extending outwardly therefrom. Piacenti further discloses the cutting surfaces (26 and 34) of the flutes extending lengthwise of the fastener and the thread extending adjacent the flutes. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the cutting flutes of Dicke with ones as disclosed in Piacenti because the flutes as disclosed in Piacenti provide improved drilling of wood into metal (see abstract). Indeed the skilled artisan would have recognized the improved drilling would optimize the installation of the wood, or a softer material onto metal while still maintaining the advantageous self-tapping thread disclosed in Dicke.

Claims 7, 8 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dicke (US 6,698,987) in view of Piacenti (US 5,045,905) and further in view of Donner (US 6,832,696). The combination of Dicke and Piacenti disclose a fastener as described above but, does not disclose the fastener to be received in a plastic clip. Donner discloses a plastic clip (1) the receiving a plurality of similar fasteners. The clip having a series of aligned openings each having a plurality of ribs (3a, 3b) with a web (9, Figs. 5, 5A) extending therebetween, all of which being integral with a top surface and defining a inner opening for a fastener (see Fig. 4). The fastener head is smaller than the opening (see Fig. 1) such that upon installation the head of the fastener would destroy the ribs and web. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the fasteners of modified Dicke into a clip as disclosed in Donner in order to facilitate operation in a power tool for

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more efficient installation. The clip of Donner being optimal for screw applications.

Since the specific material of the clip would have been recognized through experimentation and it would have been an obvious duplication of parts to increase the number of ribs to six.

In regards to the Donner's filing date, it should be noted that the filing date of Donner, although after the parent of instant application, is prior to the current CIP application and is relied upon only to disclose the new subject matter added in current CIP application, specifically the clip with the web.

Claims 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dicke in view of Piacenti or Dicke in view of Piacenti and Donner as applied to claims 1, 2, 7 and 8 above, and further in view of König (US 5,772,379). Modified Dicke does not disclose the ribs to be rectangular in cross-section. In the embodiment of Fig. 5, König discloses fastener having a head (1) with ribs (8) of a rectangular cross section which extend to the shank of the fastener. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the ribs of Dicke with ones as disclosed in König because König discloses the ribs to be optimal in forming a countersink thus easily making the top of the fastener head flush with the surface.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Flemming Saether
Primary Examiner
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